

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

<p>AMANDA HOLLEY,</p> <p>Plaintiff,</p> <p>vs.</p> <p>PORT AUTHORITY OF NEW YORK AND NEW JERSEY, PORT AUTHORITY OF NEW YORK AND NEW JERSEY POLICE DEQUESTIONMENT, SERGEANT ERICK TORRES, and JOHN and JANE DOES 1-10, (fictitious names),</p> <p>Defendants.</p>	<p>HON. BRIAN R. MARTINOTTI, U.S.D.J.</p> <p>CIVIL ACTION NO. 14-07534- BRM-DEA</p> <p>RECEIVED</p> <p>OCT 19 2018</p> <p>AT 8:30 _____ M WILLIAM T. WALSH CLERK</p>
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SPECIAL VERDICT SHEET FOR THE JURY

We, the Jury in the above-entitled action, unanimously find the following by a preponderance of the evidence on the questions submitted to us in the Special Verdict Form:

A. 42 U.S.C. § 1983/CONSTITUTIONAL CLAIM/ EQUAL PROTECTION

(1) (a) Did Defendant Erick Torres intentionally commit any discriminatory act or actions that violated Plaintiff Amanda Holley's Equal Protection right not to be subjected to sexual harassment because of her gender?

Answer: Yes ☒ No ☐

IF YOU ANSWERED "YES" TO QUESTION (1)(a), PLEASE PROCEED TO QUESTION (1)(b). OTHERWISE, PLEASE PROCEED TO QUESTION (7).

(1)(b) Has Plaintiff Amanda Holley shown that the discrimination was pervasive or regular?

Answer: Yes ☒ No ☐

IF YOU ANSWERED "YES" TO QUESTION (1)(b), PLEASE PROCEED TO QUESTION (1)(c). OTHERWISE, PLEASE PROCEED TO QUESTION (7).

(1)(c) Has Plaintiff Amanda Holley shown that the discrimination would detrimentally affect a reasonable female in the same position?

Answer: Yes ☐ No ☒

IF YOU ANSWERED "YES" TO ALL SECTIONS OF QUESTION (1), PLEASE PROCEED TO QUESTION (2). OTHERWISE, PLEASE PROCEED TO QUESTION (7).

(2) Did Defendant Erick Torres' act or actions, described in QUESTION (1) above, cause injury to Plaintiff Amanda Holley?

Answer: Yes ☐ No ☐

IF YOU ANSWERED "YES" TO QUESTION (2), PLEASE PROCEED TO QUESTION 4. OTHERWISE, PLEASE PROCEED TO QUESTION (3).

(3) Because we answered "No" to QUESTION (2), Plaintiff Amanda Holley is awarded nominal damages in the amount of \$ 1.00.

PLEASE PROCEED TO QUESTION (5).

(4) Please state the amount that will fairly compensate Plaintiff Amanda Holley for any injury she actually sustained as a result of Defendant Erick Torres' conduct.

Answer: \$ _____

(Fill in Dollar Figure)

PLEASE PROCEED TO THE NEXT QUESTION.

(5) Did Defendant Erick Torres act maliciously or wantonly in violating Plaintiff Amanda Holley's rights?

Answer: Yes _____ No _____

**IF YOU ANSWERED "YES" TO QUESTION (5), PLEASE
PROCEED TO QUESTION (6). OTHERWISE, PLEASE
PROCEED TO QUESTION (7).**

(6) Do you award punitive damages against Defendant Erick Torres??

Answer: Yes _____ No _____

PLEASE PROCEED TO THE NEXT QUESTION.

(7) Do you find that Plaintiff Amanda Holley was subjected to any act or actions of intentional discrimination by any supervisory employees of Defendant Port Authority and/or such intentional discrimination was improperly addressed by someone with supervisory authority over the Plaintiff, that violated Plaintiff Amanda Holley's Equal Protection right not to be subjected to sexual harassment because of her gender?

Answer: Yes ☒ No _____

PLEASE PROCEED TO THE NEXT QUESTION.

(8) Did Defendant Port Authority have actual knowledge of any act or actions of intentional discrimination committed against Plaintiff Amanda Holley that violated Plaintiff Amanda Holley's Equal Protection right not to be subjected to sexual harassment because of her gender?

Answer: Yes ☒ No ☐

IF YOU ANSWERED "YES" TO QUESTION (8), PLEASE PROCEED TO QUESTION (11). OTHERWISE, PLEASE PROCEED TO THE NEXT QUESTION.

(9) Do you find that, even in the absence of actual knowledge by the Defendant Port Authority that Plaintiff Amanda Holley was being sexually harassed and subjected to acts of intentional discrimination, Defendant Port Authority was deliberately indifferent to Plaintiff's sexual harassment?

Answer: Yes ☐ No ☐

IF YOU ANSWERED "YES" TO QUESTION (9), PLEASE PROCEED TO QUESTION (11). OTHERWISE, PLEASE PROCEED TO THE NEXT QUESTION.

(10) Do you find that any supervisory employees of Port Authority directed or allowed any harassing acts against Plaintiff Amanda Holley that amounted to intentional discrimination because of her gender?

Answer: Yes ☐ No ☐

IF YOU ANSWERED "YES" TO ANY OF THE ABOVE QUESTIONS (7) THROUGH (10), PLEASE PROCEED TO THE NEXT QUESTION. OTHERWISE, IF YOU ANSWERED "NO" TO ALL OF QUESTIONS (7) THROUGH (10), PLEASE PROCEED TO SUBSECTION B.

(11) Do you find that that Port Authority allowed or acquiesced to a custom, policy or practice of allowing sexual harassment to occur against female employees of the Port Authority Police Academy and/or allowed or acquiesced to a custom, policy or practice of discriminating against female employees and/or allowed or acquiesced to a custom, policy or practice of failing take appropriate action when sexual discrimination or harassment occurred to female employees?

Answer: Yes ☒ No ☐

PLEASE PROCEED TO THE NEXT QUESTION.

(12) Do you find that Port Authority had a custom, policy or practice of providing inadequate training or inadequate supervision or failing to enforce its anti-harassment policies and that such a custom, policy or practice constituted deliberate indifference to the fact that a violation of the right to Equal Protection and to not be subjected to gender discrimination was a highly predictable consequence of this inadequate training, inadequate supervision, and failure to enforce its anti-harassment policies?

Answer: Yes X No _____

**IF YOU ANSWERED "YES" TO QUESTIONS (11) OR (12),
PLEASE PROCEED TO THE NEXT QUESTION. IF YOU
ANSWERED NO TO BOTH QUESTIONS (11) AND (12),
PLEASE PROCEED TO SUBSECTION B.**

(13) Did Defendant Port Authority's act or actions, described in QUESTIONS (7) – (12) above, cause injury to Plaintiff Amanda Holley?

Answer: Yes X No _____

**IF YOU ANSWERED "YES" TO QUESTION (13), PLEASE
PROCEED TO QUESTION (15). OTHERWISE, PLEASE
PROCEED TO THE NEXT QUESTION.**

(14) Because we answered "No" to QUESTION 13, Plaintiff Amanda Holley is awarded nominal damages in the amount of \$ 1.00.

PLEASE PROCEED TO SUBSECTION B.

(15) Please state the amount that will fairly compensate Plaintiff Amanda Holley for any injury she actually sustained as a result of Defendant Port Authority's conduct.

Answer: \$ 1,300,000

(Fill in Dollar Figure)

PLEASE PROCEED TO SUBSECTION B.

B. ASSAULT AND BATTERY

(1) Did Defendant Erick Torres intentionally cause a harmful or offensive contact with Plaintiff Amanda Holley or place her in immediate apprehension of such a contact?

Answer: Yes _____ No X

**IF YOU ANSWERED "YES" TO QUESTION (1), PLEASE
PROCEED TO THE NEXT QUESTION. OTHERWISE,
PLEASE PROCEED TO SUBSECTION C.**

(2) Did Defendant Erick Torres place Plaintiff Amanda Holley in such imminent apprehension?

Answer: Yes _____ No _____

**IF YOU ANSWERED "YES" TO QUESTION (2), PLEASE
PROCEED TO THE NEXT QUESTION. OTHERWISE,
PLEASE PROCEED TO SUBSECTION C.**

(3) Did Defendant Erick Torres engage in an actual, nonconsensual contact with the Plaintiff?

Answer: Yes _____ No _____

**IF YOU ANSWERED "YES" TO QUESTIONS(1)-(2) OR TO
QUESTION (3), PLEASE PROCEED TO THE NEXT
QUESTION. OTHERWISE, PLEASE PROCEED TO
SUBSECTION C.**

(4) Please state the amount against Defendants Erick Torres and Port Authority that will fairly compensate Plaintiff Amanda Holley for any injury she actually sustained as a result of Defendant Erick Torres' conduct of assault and/or battery.

Answer: \$ _____

(Fill in Dollar Figure)

PLEASE PROCEED TO SUBSECTION C.

C. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(1) Do you find that Defendant Erick Torres acted intentionally or recklessly to cause Plaintiff Amanda Holley emotional distress?

Answer: Yes X No

**IF YOU ANSWERED "YES" TO QUESTION (1), PLEASE
PROCEED TO THE NEXT QUESTION. OTHERWISE, YOU
MAY SIGN AND COMPLETE THE VERDICT FORM.**

(2) Do you find that Defendant Erick Torres' conduct was extreme and outrageous?

Answer: Yes No X

**IF YOU ANSWERED "YES" TO QUESTION (2), PLEASE
PROCEED TO THE NEXT QUESTION. OTHERWISE, YOU
MAY SIGN AND COMPLETE THE VERDICT FORM.**

(3) Do you find that Defendant Erick Torres' actions were the proximate cause of Plaintiff Amanda Holley's emotional distress?

Answer: Yes No

**IF YOU ANSWERED "YES" TO QUESTION (3), PLEASE
PROCEED TO THE NEXT QUESTION. OTHERWISE, YOU
MAY SIGN AND COMPLETE THE VERDICT FORM.**

(4) Do you find that the emotional distress suffered by Plaintiff Amanda Holley was severe ?

Answer: Yes No

**IF YOU ANSWERED "YES" TO QUESTION (4), PLEASE
PROCEED TO THE NEXT QUESTION. OTHERWISE, YOU
MAY SIGN AND COMPLETE THE VERDICT FORM.**

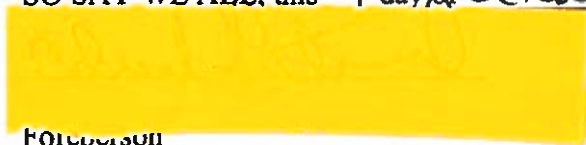
(5) Please state the amount that will fairly compensate Plaintiff Amanda Holley for any injury she actually sustained as a result of Defendant Erick Torres' conduct of intentionally inflicting emotional distress upon her.

Answer: \$

(Fill in Dollar Figure)

YOU MAY NOW SIGN AND COMPLETE THE VERDICT FORM.

SO SAY WE ALL, this 19 day of October, 2018.

A large rectangular area of the document is redacted with a solid yellow color, obscuring a signature or name.

Foreperson